



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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July 25, 2016

**BY ECF**

The Honorable Peggy Kuo  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Lilya Pilipenko, et al. v. City of New York, et al.,  
15 Civ. 6053 (NG)(PK)

Your Honor:

Pursuant to your Honor's direction at the July 7, 2016 conference, the following will serve as the parties' joint status letter and request to extend fact discovery to **October 31, 2016**. This is the first request for the relief sought.

Yesterday this office filed an answer on behalf of all of the officer defendants. Defendants have requested, and await receipt of (1) crime scene documents (if any); (2) CPI/IAB histories for the defendant officers; (3) relevant CCRB files; and (4) employment files for defendants Ivankovskiy, Leung, Spessard, Malamed and Felix. We hope to have these documents by the end of August. Once we have the IAB and CPI histories in hand we will request any relevant IAB files. Because most of the defendants have little to no CCRB history, defendants do not expect there to be many relevant IAB files. The proposed enlargement will provide ample time for defendants to obtain and produce these documents to plaintiff prior to depositions.

The parties have also conferred concerning depositions and have agreed to the following schedule:

- Richard Moore- September 13, 2016<sup>1</sup>;
- Krzyztof Koncewicz- September 15, 2016;
- Yevgeniy Ivankovsky- September 21, 2016;
- Kaiyuen Leung- September 23, 2016;
- Lilya Pilipenko- September 26, 2016;
- Michael Spessard- September 28, 2016;
- Craig Malamed- October 5, 2016;
- Nicholas Felix- October 7, 2016<sup>2</sup>; and
- Boris Volchkin- October 13, 2016.

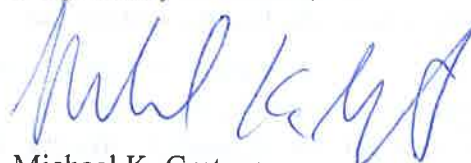
Thereafter, the parties respectfully request that expert discovery proceed as follows:

- The parties shall identify each case-in-chief expert by name and area of expertise by November 1, 2016;
- Rule 26(a)(2) disclosures for these experts due December 2, 2016; and
- Rule 26(a)(2) disclosures for rebuttal expert witnesses due January 6, 2017.

This schedule will provide the parties with ample time to complete fact and expert discovery. Therefore, because of the foregoing, the parties jointly request that fact discovery be extended to October 31, 2016, and that the Court so-order the above deposition schedule.

Thank you for your consideration herein.

Respectfully submitted,



Michael K. Gertzer  
Senior Counsel

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<sup>1</sup> Officer Moore has an irregular schedule and thus it is possible that this date may have to be changed. Counsel for plaintiff has agreed to work with us should there be a need to reschedule his deposition.

<sup>2</sup> This date is also tentative because we have not yet been able to speak with Officer Felix concerning his availability. Again, the parties have agreed to work together should this deposition also need to be rescheduled.

cc: (all parties) Via ECF

